

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLIVES CELESTIN

Plaintiff,

-v.-

Civil Action No.
9:12-cv-301 (GLS/RFT)

JEFFREY PREMO, Correction Officer,
Upstate Correctional Facility, *et al.*

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

CLIVES CELESTIN
94-a-5376
Plaintiff *Pro Se*
Attica Correctional Facility
Box 149
Attica, New York 14011

FOR THE DEFENDANT:

HON. ERIC SCHNEIDERMAN
Office of the Attorney General
State of New York
The Capitol
Albany, New York 12224-0341

MICHAEL G. MCCARTIN, ESQ.
Assistant Attorney General

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed December 9, 2013. Following fourteen (14) days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed December 9, 2013 (Dkt. No. 68) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that defendants' motion for partial summary judgment (Dkt. No. 62) is GRANTED; and it is further

ORDERED that defendants Rock, Fischer and Carver are DISMISSED; and it is further

ORDERED that the case is deemed trial ready as to plaintiff's claims against defendants Premo, Tulip and Traux; and it is further

ORDERED that the case has been moved to the court's trial ready list; and it is further

ORDERED that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: January 24, 2014
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court